



General Assembly

Substitute Bill No. 212

February Session, 2012

* ____SB00212APP__042412____ *

AN ACT CONCERNING PROVISIONAL BALLOTS FOR STATE AND MUNICIPAL ELECTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-232c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The moderator shall keep an accurate memorandum of the
4 challenge which shall include (1) the name of the challenged voter; (2)
5 [his] the challenged voter's registry list address; (3) the reason for the
6 challenge; (4) the name and address of the challenger; (5) pertinent
7 facts concerning the challenge; and (6) the result of the moderator's
8 decision. The challenged voter shall also sign such memorandum and
9 it shall be assigned the same number as the [challenged] provisional
10 ballot.

11 Sec. 2. Section 9-232j of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective from passage*):

13 The moderator of the election in each voting district shall appear at
14 the office of the [town clerk] registrars of voters not later than eight
15 o'clock p.m. of the day before an election [for federal office] or a
16 primary. At such time, the [town clerk] registrars of voters shall
17 provide a provisional ballot packet to such moderator or moderators.
18 Each packet shall include: (1) The appropriate number of provisional

19 ballots, [for federal office provided by the Secretary of the State,] which
20 shall be equal to not less than one per cent of the number of electors
21 who are eligible to vote in the voting district served by the moderator,
22 or such other number as the [municipal clerk and the] registrars of
23 voters agree is sufficient to protect electors' voting rights, (2) the
24 appropriate number of serially-numbered envelopes prescribed by the
25 Secretary, (3) a provisional ballot inventory form, (4) a provisional
26 ballot depository envelope, and (5) other necessary forms prescribed
27 by the Secretary.

28 Sec. 3. Section 9-232k of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective from passage*):

30 The Secretary of the State shall prescribe [and provide to town
31 clerks] the provisional ballot which shall be [a] the regular ballot of
32 candidates, [for federal office.] The Secretary may prescribe that the
33 provisional ballot be the [overseas] ballot prepared under section [9-
34 158i] 9-135b.

35 Sec. 4. Section 9-232l of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective from passage*):

37 (a) An individual may apply for and be issued a provisional ballot if
38 (1) the individual appears at the polling place and declares that such
39 individual is an elector in the town in which the individual desires to
40 vote and that the individual is eligible to vote in the primary or
41 election [for federal office] in the polling place, but the name of the
42 individual does not appear on the official registry list for such polling
43 place, and (2) the registrars determine that such name cannot be
44 restored under section 9-42 or transferred from another polling place
45 under section 9-35.

46 (b) If the moderator decides that an elector, whose name appears on
47 the registry list and who has been challenged pursuant to [sections]
48 section 9-232, [to 9-232f, inclusive,] is not eligible to vote in the primary
49 or election, [for federal office,] such elector may apply for and cast a
50 provisional ballot upon the execution of a written affirmation by the

51 elector at the polling place affirming that the elector is qualified to vote
52 in the election or primary [for federal office] in the polling place and
53 has neither offered himself or herself to vote nor voted in person or by
54 absentee ballot at said election or primary [for federal office] at the
55 polling place.

56 (c) If a poll worker denies an individual the opportunity to cast a
57 ballot for any reason for which a provisional ballot may be issued, a
58 registrar of voters or a designee of a registrar of voters shall offer such
59 individual a provisional ballot.

60 [(c)] (d) Such application for provisional ballot shall be prescribed
61 by the Secretary of the State, executed before an election official and
62 include a written affirmation, under penalty of false statement in
63 absentee balloting pursuant to section 9-359a, which shall be in the
64 form substantially as follows:

65 AFFIRMATION: I, the undersigned, do hereby state, under
66 penalties of false statement, that:

67 1. I am an elector in the town indicated.

68 2. I am eligible to vote in the election or primary indicated [for
69 federal office] today in the town and polling place indicated.

70 3.a. My name does not appear on the official list of eligible voters for
71 the polling place indicated, and the polling place officials called the
72 registrars of voters and were told that my name did not appear on the
73 active registry list for this town for at least one of the four years
74 previous or on one of the preliminary active registry lists for this year;
75 or

76 b. The moderator decided that I am not eligible to vote [for federal
77 office] in the town indicated for the reason of disfranchisement, lack of
78 identity, lack of bona fide residence or failure to present the prescribed
79 identification required for new electors after January 1, 2003, indicated.

80 4. My residence address is located in the voting district that this

81 polling place serves.

82 5. I have not voted and I will not vote otherwise than by this ballot
83 in person or by absentee ballot at this election or primary. [for federal
84 office.]

85 6. I apply for a provisional ballot. [for federal office.]

86 Sec. 5. Section 9-232n of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective from passage*):

88 Immediately after the close of the polls, the moderator shall seal the
89 provisional ballot depository envelope and deliver such envelope to
90 the registrars of voters of the town. The registrars of voters shall
91 forthwith verify the information contained with each provisional
92 ballot. If the registrars of voters determine that the applicant is eligible
93 to vote, they shall note their decision on the outer envelope of the
94 ballot and open and count the provisional ballot in accordance with
95 the provisions of sections [9-232i] 9-232j to 9-232o, inclusive, as
96 amended by this act, and procedures prescribed by the Secretary of the
97 State. If the registrars of voters are unable to determine that the
98 applicant is eligible to vote or determine that the applicant is not
99 eligible to vote, the applicant's provisional ballot sealed envelope shall
100 be marked "rejected", along with the reason for such rejection, and
101 signed by the registrars of voters. The registrars of voters shall verify
102 and count all provisional ballots in their town not later than six days
103 after the election or primary. The registrars of voters shall forthwith
104 prepare and sign in duplicate a report showing the number of
105 provisional ballots received from electors, the number rejected and the
106 number counted, and showing the additional votes counted for each
107 candidate [for federal office] on the provisional ballots. The registrars
108 of voters shall file one report with the town clerk and shall seal one in
109 the depository envelope with the provisional ballots and file such
110 depository envelope with the town clerk. The depository envelope
111 shall be preserved by the town clerk for the period of time required to
112 preserve counted absentee ballots. [for federal elections.] The head

113 moderator shall forthwith file a corrected return [for federal offices]
114 with the town clerk and the Secretary showing (1) the final votes after
115 any recanvass, pursuant to sections 9-311 to 9-311b, inclusive, the votes
116 on provisional ballots and the totals, and (2) the number of provisional
117 ballots received from electors, the number rejected and the number
118 counted, as reported by the registrars of voters.

119 Sec. 6. Subsection (e) of section 9-236b of the general statutes is
120 repealed and the following is substituted in lieu thereof (*Effective from*
121 *passage*):

122 (e) For use at elections [for federal office] and primaries, the
123 Secretary of the State shall prescribe and the [municipal clerk]
124 registrars of voters shall provide for all polling places in the
125 municipality: (1) Instructions on how to cast a provisional ballot, (2)
126 instructions for mail-in registrants and first-time voters who register to
127 vote by mail on or after January 1, 2003, (3) general information
128 concerning voting rights under federal and Connecticut laws,
129 including information on the right of an individual to cast a
130 provisional ballot and instructions on how to contact the appropriate
131 officials if these rights are alleged to have been violated, and (4)
132 general information on federal and state laws concerning prohibitions
133 on acts of fraud and misrepresentation.

134 Sec. 7. Subsections (d) and (e) of section 9-23r of the general statutes
135 are repealed and the following is substituted in lieu thereof (*Effective*
136 *from passage*):

137 (d) If an individual described in subsection (a) of this section does
138 not submit the identification described in subsection (a) of this section
139 as part of the individual's application for admission as an elector,
140 when the individual has entered the polling place in an election for
141 federal office, the individual shall present: (1) A current and valid
142 photo identification, or (2) a copy of a current utility bill, bank
143 statement, government check, paycheck or other government
144 document that shows the name and address of the voter. If an

individual does not meet the requirements of this subsection in an election for federal office, such individual may cast a provisional ballot prescribed under sections [9-232i] 9-232j to 9-232o, inclusive, as amended by this act. For purposes of this section, "election for federal office" means an election for electors of President and Vice President, a presidential preference primary, an election or primary for United States Senator and an election or primary for Representative in Congress.

(e) If an individual described in subsection (a) of this section does not submit the identification described in subsection (a) of this section as part of the individual's application for admission as an elector, and if the individual votes by absentee ballot in an election for federal office, the individual shall enclose in the outer absentee ballot envelope, and not in the inner envelope with the ballot: (1) A copy of a current and valid photo identification, or (2) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If an individual does not meet the requirements of this subsection in an election for federal office, such individual's absentee ballot shall be processed in accordance with the provisions of subdivision (2) of subsection (d) of section 9-150a, as amended by this act, and treated as a provisional ballot [for federal office only,] pursuant to sections [9-232i] 9-232j to 9-232o, inclusive, as amended by this act.

Sec. 8. Subsection (d) of section 9-150a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) (1) If the statement on the inner envelope has not been signed as required by section 9-140a, such inner envelope shall not be opened or the ballot removed therefrom, and such inner envelope shall be replaced in the opened outer envelope which shall be marked "Rejected" and the reason therefor endorsed thereon by the counters. (2) If such statement is signed but the individual completing the ballot is an individual described in subsection (a) of section 9-23r and has not

178 met the requirements of subsection (e) of section 9-23r, as amended by
179 this act, the counters shall replace the ballot in the opened inner
180 envelope, replace the inner envelope in the opened outer envelope and
181 mark "Rejected as an Absentee Ballot" and endorse the reason for such
182 rejection on the outer envelope, and the ballot shall be treated as a
183 provisional ballot [for federal offices only,] pursuant to sections [9-
184 232i] 9-232j to 9-232o, inclusive, as amended by this act.

185 Sec. 9. Subdivision (2) of subsection (a) of section 9-7b of the 2012
186 supplement to the general statutes is repealed and the following is
187 substituted in lieu thereof (*Effective from passage*):

188 (2) To levy a civil penalty not to exceed (A) two thousand dollars
189 per offense against any person the commission finds to be in violation
190 of any provision of chapter 145, part V of chapter 146, part I of chapter
191 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,
192 section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h,
193 9-23j to 9-23o, inclusive, 9-23r, as amended by this act, 9-26, 9-31a, 9-32,
194 9-35, 9-35b, 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-
195 171, 9-172, [9-232i] 9-232j to 9-232o, inclusive, as amended by this act,
196 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-436a, 9-453e to
197 9-453h, inclusive, 9-453k or 9-453o, (B) two thousand dollars per
198 offense against any town clerk, registrar of voters, an appointee or
199 designee of a town clerk or registrar of voters, or any other election or
200 primary official whom the commission finds to have failed to
201 discharge a duty imposed by any provision of chapter 146 or 147, (C)
202 two thousand dollars per offense against any person the commission
203 finds to have (i) improperly voted in any election, primary or
204 referendum, and (ii) not been legally qualified to vote in such election,
205 primary or referendum, or (D) two thousand dollars per offense or
206 twice the amount of any improper payment or contribution, whichever
207 is greater, against any person the commission finds to be in violation of
208 any provision of chapter 155 or 157. The commission may levy a civil
209 penalty against any person under subparagraph (A), (B), (C) or (D) of
210 this subdivision only after giving the person an opportunity to be
211 heard at a hearing conducted in accordance with sections 4-176e to 4-

184, inclusive. In the case of failure to pay any such penalty levied pursuant to this subsection within thirty days of written notice sent by certified or registered mail to such person, the superior court for the judicial district of Hartford, on application of the commission, may issue an order requiring such person to pay the penalty imposed and such court costs, state marshal's fees and attorney's fees incurred by the commission as the court may determine. Any civil penalties paid, collected or recovered under subparagraph (D) of this subdivision for a violation of any provision of chapter 155 applying to the office of the Treasurer shall be deposited on a pro rata basis in any trust funds, as defined in section 3-13c, affected by such violation;

Sec. 10. Section 9-232o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Except as otherwise provided by the general statutes, section 9-23r, as amended by this act, and sections [9-232i] 9-232j to 9-232o, inclusive, as amended by this act, the provisions of the general statutes concerning procedures relating to counting absentee ballots shall apply as nearly as may be, in the manner prescribed by the Secretary of the State, to counting the provisional ballots under sections [9-232i] 9-232j to 9-232o, inclusive, as amended by this act.

Sec. 11. Sections 9-232d to 9-232f, inclusive, and section 9-232i of the general statutes are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-232c
Sec. 2	<i>from passage</i>	9-232j
Sec. 3	<i>from passage</i>	9-232k
Sec. 4	<i>from passage</i>	9-232l
Sec. 5	<i>from passage</i>	9-232n
Sec. 6	<i>from passage</i>	9-236b(e)
Sec. 7	<i>from passage</i>	9-23r(d) and (e)
Sec. 8	<i>from passage</i>	9-150a(d)
Sec. 9	<i>from passage</i>	9-7b(a)(2)

Sec. 10	<i>from passage</i>	9-232o
Sec. 11	<i>from passage</i>	Repealer section

GAE *Joint Favorable Subst.*

PD *Joint Favorable*

APP *Joint Favorable*